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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,076	07/31/2003	Serge Lasserre	TI-35424	2218
23494 7590 07/02/2008 TEXAS INSTRUMENTS INCORPORATED P O BOX 655474, M/S 3999 DALLAS, TX 75265				
EXAMINER				
GU, SHAWN X				
ART UNIT		PAPER NUMBER		
2189				
NOTIFICATION DATE		DELIVERY MODE		
07/02/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto@ti.com

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**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/632,076

Applicant(s)

LASSERRE ET AL.

Examiner

Shawn X. Gu

Art Unit

2189

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 January 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☒ Applicant's reply has overcome the following rejection(s): 35 U.S.C. 112(1) rejection of claims 19 and 22-24, 35 U.S.C. 102(b) rejection of claims 1, 2, 5, 6, 10, 11, 13, 14, 22, 23, 25 and 26.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 3-9, 12-18, 22, 23, 25 and 26.

Claim(s) objected to: 21.

Claim(s) rejected: 19, 20, 24 and 27.

Claim(s) withdrawn from consideration: 28.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/Reginald G. Gragdon/
Supervisory Patent Examiner, Art Unit 2189

Continuation of 11, does NOT place the application in condition for allowance because: The Applicant failed to amend or cancel independent claim 19 as suggested in the Remarks filed 22 January 2007 (see page 10, first paragraph). The Applicant also failed to address or traverse the outstanding prior art rejection against claim 19 under 35 USC 102(b). Therefore, the rejection against claim 19 under 35 USC 102(b) stands and the amendment is not entered. Regarding the Applicant's traversal of the Election/Restriction requirement made in the final Office action, the traversal is on the ground that the Examiner did not set forth an argument and facts supporting that a "serious burden" exists in the search and examination of claim 28. This is not found persuasive because the Examiner established serious burden by showing that each invention has attained recognition in the art as a separate subject for invention effort, and also a separate field of search in separate classification (see MPEP 808.02, "[p]atents need not be cited to show separate classification). Furthermore, the Examiner established that claims 1-27 are directed to a caching system and a method to determine when to cache certain data from an external memory and are classified in class 711/118, and that claim 28 is directed to a backup and restore method related to a context switch, classified in class 711/161 and 711/162 (see final Office action). Since the Applicant failed to distinctly and specifically point out the supposed error in the restriction requirement, the requirement is maintained and claim 28 remains withdrawn from consideration. The Applicant is also reminded that the application has become effectively abandoned as it is not in condition of allowance and the statutory period of reply has expired without a filing of Notice of Appeal or Request for Continued Examination. Finally, although the Applicant authorized an Examiner's amendment to cancel claim 28 if it will result in a Notice of Allowance (see Remarks, page 10, last paragraph), the Office cannot issue an Examiner's amendment after the end of the statutory period for reply.